

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

CYTOLOGIX CORPORATION,

Plaintiff,

v.

VENTANA MEDICAL SYSTEMS, INC.,

Defendant.

Civil Action No. 04-11783 (RWZ)

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**DECLARATION OF MICHAEL E. ZELIGER**

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I, Michael E. Zeliger, declare as follows:

1. I make this declaration in support of Plaintiff CytoLogix Corporation's Motion for Reconsideration of the Memorandum of Decision dated June 20, 2006.

2. I have been retained by the CytoLogix Corporation as counsel in connection with the litigation between CytoLogix Corporation and Ventana Medical Systems, Inc. I have personal knowledge of the facts set forth below.

3. I am an attorney at the law firm of Kirkpatrick & Lockhart Nicholson Graham, LLP.

4. Exhibit A is a true and correct copy of United States Patent No. 6,781,604 issued by the United States Patent and Trademark Office to William Douglas Poynter on August 24, 2004.

5. Exhibit B is a true and correct copy of United States Patent No. 7,043,237 issued by the United States Patent and Trademark Office to Thomas N. Snyder and Jerry Liu on May 9, 2006.

6. Exhibit C is a true and correct copy of United States Patent No. 5,569,961 issued by the United States Patent and Trademark Office to James Durward et al. on August 19, 1997.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: July 5, 2006

By: /s/ Michael E. Zeliger  
Michael E. Zeliger